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Wolff & Samson PC Attn: Jeffrey M. Weinick One Boland Drive West Orange, NJ 07039			EXAMINER POINVIL, FRANTZY	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/2/2010 have been fully considered but they are not persuasive.

Applicant's representative generally argues that Joao fails to teach or suggest :

“transmitting to a wireless device associated with a first user a managed message from a computational entity that sends the managed message to at least one other device associated with at least one other user... and receiving, from at least one of the users, at least one payment transaction authorization associated with input responsive to the managed message “.

In response, the Examiner respectfully disagrees with the applicant's assertion. Joao is directed to a system, method and computer program product for allowing a cardholder to authorize a payment for an associated transaction. Joao et al teach that the system may call the cardholder and/or an alternate phone number or authorized individual for authorization of the transaction column 31, lines 32-47 and column 39, lines 13-41.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-20, 23-25, 27-42, 45-46, 48-62, 65-76 and 78-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Joao et al (US Patent No. 6,539,725).

As per claims 1 , 23-25, 27-42, 45-46, 48-62, 65-76, 78-81 Joao et al disclose a system and method for authorizing a financial transaction. A user performing a financial transaction presents a card for the payment of a the transaction to a sales clerk or operator or to a computerized system. In so doing, Joao et al disclose:

transmitting to a wireless device associated with a first user a managed message from a computational entity (column 18, lines 22-54);

transmitting the managed message to at least one other device associated with at least one other user from the computational entity, wherein the managed message includes at least one element from a group consisting of an RSVP element, a question element, a things-to-bring element, a comment element, a location element, a graphic card element, a recipient list element, and a ticketing element (column 18, lines 22-54) ;

receiving, from at least one of the users, at least one payment transaction authorization associated with input responsive to the managed message, Wherein the at least one payment transaction authorization includes at least one type from a group consisting of a pre-authorization type, an expiration date link type, an error type, a billing type, and a refund type (column 16, lines 51-65; column 18, lines 55-67); and

receiving an affirmative response in reply to the managed message from at least one of

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the users in response to a successful payment associated with the at least one payment transaction authorization. (See column 16, lines 51-65; column 17, lines 50-62).

As per claim 2, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the managed message "comprises accepting alphanumeric input [[to]] from the wireless device (column lines 52-65).

As per claim 3, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the managed message comprises accepting voice input [[to]] from the wireless device (the communication device of the user is a telephone which will transmit and receive vocal, speech or voice messages). See column 14, lines 52-65.

As per claim 5, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the managed message comprises transmitting receiving voice input. The wireless device of the user is a telephone or fax capable of receiving and sending alphanumeric data. See column 14, lines 52-65 and column 18 lines 55-64..

As per claim 6, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the and the wireless

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device managed message comprises receiving a signal associated with input authorizing a credit card transaction.

As per claim 7, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the managed message comprises receiving a signal associated with input authorizing a debit card transaction. See column 20, lines 16-28 and lines 45-63.

As per claim 8, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the device managed message comprises receiving a signal associated with input authorizing an automatic check handling transaction. See column 20, lines 34-45 and lines 63-67.

As per claim 9, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the managed message comprises accepting user input associated with the at least one payment transaction authorization and entry of financial data. See column 14, lines 52-65 and column 18 lines 55-64.

As per claim 10, Joao et al disclose accepting user input associated with the at least one payment transaction authorization and entry of financial data comprises accepting near-real-time entry of credit card information. The user is given a predetermined time limit to respond to the approval of the transaction. See column 18, lines 55-64 and column 20, lines 16-28 and lines

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45-63.

As per claim 11, Joao et al disclose accepting user input associated with the at least one payment transaction authorization and entry of financial data comprises accepting near-real-time entry of debit card information. The user is given a predetermined time limit to respond to the approval of the transaction. See column 18, lines 55-64 and column 20, lines 16-28 and lines 45-63.

As per claim 12, Joao et al disclose accepting user input associated with the at least one payment transaction authorization and entry of financial data comprises accepting near-real-time entry of automatic check handling information. The user is given a predetermined time limit to respond to the approval of the transaction. See column 18, lines 55-64 and column 20, lines 16-28 and lines 45-63.

As per claim 13, Joao et al disclose accepting user input associated with the at least one payment transaction authorization and entry of financial data comprises: accepting user input representative of a profile containing pre-stored financial data. The user is given a predetermined time limit to respond to the approval of the transaction. See column 18, lines 55-64 and column 20, lines 16-63.

As per claim 14, Joao et al disclose accepting user input representative of a profile containing pre-stored financial data comprises accepting user input representative of a profile containing pre-stored credit card information. See column 16, lines 4-35.

As per claim 15, Joao et al disclose said accepting user input representative of a profile containing pre-stored financial data comprises accepting user input representative of a profile containing pre-stored debit card information. See column 16, lines 4-35.

As per claim 16, Joao et al disclose accepting user input representative of a profile containing pre-stored financial data comprises accepting user input representative of a profile containing pre-stored automatic check handling information. See column 16, lines 4-35.

As per claim 17, Joao et al disclose receiving, from at least one of the users, the at least one payment transaction authorization associated with input responsive to the managed message comprises accepting input [[to]] from the wireless device in response to a presentation of a message through the wireless device. The user is given a predetermined time limit to respond to the approval of the transaction. See column 18, lines 55-64 and column 20, lines 16-63.

As per claim 18, Joao et al disclose accepting input [[to]] from the wireless device in response to a presentation of a message through the wireless device comprises presenting the

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message through a presentation device selected from a presentation-device group including a visual presentation device and an audio presentation device. The user receives authorization acknowledgement and is given a predetermined time limit to respond to the approval of the transaction. See column 18, lines 55-64 and column 20, lines 16-63.

As per claims 19-20, Joao et al disclose wherein said accepting input from the wireless device in response to a presentation of a message through the wireless device comprises presenting a price through the wireless device. The user receives authorization acknowledgement and is given a predetermined time limit to respond to the approval of the transaction. See column 18, lines 55-64 and column 20, lines 16-63.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-22, 43-44, 63-64 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao et al (US Patent No. 6,529,725).

As per claims 21, 43, 63 and 77, the teachings of Joao et al are discussed above. Joao et al do not explicitly teach the step of presenting the price being in

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conjunction with at least one message-structure item comprises all the recited items.

Joao et al teach the price and transaction information are presented and a reply is expected from the user. The Examiner submits that in the system of Joao et al, a plurality of financial transactions is affected and a message is transmitted to the user wherein the message is a visual, text or audio message. As per the specific types of items being claimed, the Examiner notes that such do not affect the functioning of the system of Joao et al as such are only types of data relevant to a type of financial transactions. Thus, the Examiner submits that no patentable differences exist.

Incorporating such types of data in the system of Joao et al would have been obvious to one of ordinary skill in the art at the time of the invention in order to inform a client or user to submit a response related to an approval/denial of a given type of transactions.

As per claims 22, 44 and 64, the teachings of Joao et al are discussed above. Joao et al do not explicitly teach transmitting at least one payment transaction authorization associated with input responsive to the communication and the wireless device comprises accepting input associated with the at least one payment transaction through the wireless device having a browser selected from the group that includes a WML capable browser, a CHTML capable browser, a Pocket IE HTML capable browser, a Palm Query Application capable browser and a voice XML capable browser. Joao et al teach that a plurality types of wireless devices may be used in their system. Note column 10, lines 3-14 and lines 42-67. Types of wireless devices having a browser capability are well known in the art at the time of applicant's invention. Joao et al further state communicating transaction data via the Internet. Note column 10, lines 3-14.

Incorporating a wireless device having a browser capability in the system of Joao et al would have been obvious to one of ordinary skill in the art at the time of the invention for instant communication purposes through the Internet so as to communicate transaction data to/from a client.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-

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6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantzy Poinvil/
Primary Examiner, Art Unit 3691

/FP/
November 8, 2010